## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

<b>GUESTHOUSE INTERNATIONAL</b>	)
FRANCHISE SYSTEMS, INC.,	)
Plaintiff,	)
v.	Case No. 3:07-0814 Judge Trauger
BRITISH AMERICAN PROPERTIES	)
MACARTHUR INN, LLC, THOMAS F.	)
NOONS, and EDWIN W. LESLIE,	)
	)
Defendants.	)
	)
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## **ORDER**

For the reasons expressed in the accompanying Memorandum, the plaintiff Guesthouse International Franchise System, Inc's Motion for Summary Judgment (Docket No. 63) is **GRANTED IN PART AND DENIED IN PART**, the Partial Motion for Summary Judgment filed by defendants British American Properties MacArthur Inn, LLC, and Thomas F. Noons is **GRANTED IN PART AND DENIED IN PART**, that is, the motion is denied in all respects except as to the defendants' argument that the liquidated damages clause at issue constitutes an unenforceable penalty. These defendants' Motion for Judicial Notice (Docket No. 59) is **DENIED AS MOOT** and these defendants' Motions to Strike are (Docket Nos. 81 and 84) are **DENIED.** 

In the expectation that the parties will resolve the liquidated damages issue without the necessity of a trial, the trial and pretrial conference are being removed from the court's calendar. This file shall remain open, however, pending receipt by the court of notification that the parties

have resolved all remaining matters or need assistance of some kind from the court.

It is so ordered.

Enter this 5<sup>th</sup> day of February 2009.

ALETA A. TRAUGER

United States District Judge